



SANTA CLARA VALLEY WATER DISTRICT

NON-AGENDA

November 01, 2024

Board Policy EL-7 Communication and Support to the Board
The BAOs shall inform and support the Board in its work.

Page	<u>CEO BULLETIN & NEWSLETTERS</u>
	CEO Bulletin: None
	<u>BOARD MEMBER REQUESTS & INFORMATIONAL ITEMS</u>
3	BMR/IBMR Weekly Reports: 10/30/24
4	Memo from Lisa Bankosh, Assistant Officer- Watershed Stewardship and Planning to Rick Callender, CEO, dated 10/09/24, providing a report of properties acquired under executive limitation 6.7.1.
7	Memo from Luz E. Penilla, Assistant Officer to Director Jim Beall, dated 10/27/24. Providing a response to IBMR No. I-24-0016- Lobbying for Capital Projects.
	<u>INCOMING BOARD CORRESPONDENCE</u>
31	Board Correspondence Weekly Report: 10/30/24
33	Email from Leslie Miles to Director Varela, dated 10/29/24, Inquiring about why so many coastline oaks have been cut down by Valley Water and asking if a eucalyptus tree next to New Voices School can be saved. C-24-0256
34	Email from Sali Schille to Director Keegan, dated 10/28/24, and Director Keegan's response, requesting a copy of the executed agreement between Valley Water and the City of San Jose to use the Lelong/Willow site as a safe sleeping location. C-24-0257
36	Email from Connie De La Cruz to the board, dated 10/24/24, regarding cleaning the creeks and unhoused people. C-24-0258
	<u>OUTGOING BOARD CORRESPONDENCE</u>

BOARD MEMBER REQUESTS and Informational Items

Report Name: Board Member Requests

Request	Request Date	Director	BAO/Chief	Staff	Description	20 Days Due Date	Expected Completion Date	Disposition
I-24-0016	10/10/24	Beall	Chan	Penilla	At the August 21, 2024 Board Audit Committee Meeting, Director Beall asked for information on how Valley Water is complying with a lobbying law, which requires disclosure when people lobby VW staff as it relates to projects in Valley Water's capital improvement plan.	10/30/24		



MEMORANDUM

FC 14 (08-21-19)

TO: Rick L. Callender, Esq.

FROM: Lisa Bankosh

SUBJECT: Report of Properties Acquired Under
Executive Limitation 6.7.1

DATE: October 9, 2024

BACKGROUND:

Executive Limitation (EL) 6.7 and 6.7.1 allows the CEO to acquire, encumber or dispose real property interest, only when authorized by the Board, or is part of a Board approved project and does not exceed \$500,000. EL 6.7.1.3 requires that the CEO provide a written report to the Board of anticipated properties to be acquired under EL 6.7.1. Additionally, EL 6.7.1.4 requires that the CEO provide a quarterly summary report of the properties acquired under EL 6.7.1, including the respective statutory offer of just compensation and final negotiated values.

PURPOSE:

This memo complies with the provisions of EL 6.7.1.3 and 6.7.1.4 by providing the following:

1. A report of the properties which may be acquired under EL 6.7.1 in the upcoming quarter, October 1, 2024, through December 31, 2024. (Attachment 1)
2. A report of the properties that have been acquired under EL 6.7.1 in the last quarter, July 1, 2024, through September 30, 2024. (Attachment 2)

If you have questions or need additional information, please contact Carlo Achdjian at (408) 630-4352.

DocuSigned by:

Lisa Bankosh

7428672C9563400...

Lisa Bankosh
Assistant Officer
Watersheds Stewardship & Planning Division

Attachment 1 (Properties which may be acquired)
Attachment 2 (Properties acquired)

cc: J. Bourgeois, C. Hakes, R. Chan, C. Herrera, K. Anderssohn

**REPORT OF PROPERTIES WHICH MAY BE ACQUIRED UNDER E.L. 6.7.1 IN THE UPCOMING QUARTER
OCTOBER 1, 2024 - DECEMBER 31, 2024**

DISTRICT FILE	PROJECT NAME	AGENT	GRANTOR	ASSESSOR'S PARCEL NUMBER (APN)	INTEREST
4021-319	Coyote Creek Flood Management Measures Project	Carrasco	Brenner/Wiehe	472-31-040	Permanent Easement
4021-405	Coyote Creek Flood Management Measures Project	Carrasco	Brenner/Wiehe	472-31-040	Temporary Construction Easement
4021-320	Coyote Creek Flood Management Measures Project	Carrasco	Dour	472-31-041	Permanent Easement
4021-406	Coyote Creek Flood Management Measures Project	Carrasco	Dour	472-31-041	Temporary Construction Easement

**REPORT OF PROPERTIES ACQUIRED UNDER EL 6.7.1
JULY 1, 2024 - SEPTEMBER 30, 2024**

DISTRICT FILE	PROJECT NAME	AGENT	GRANTOR	INTEREST	REC DATE	DOC#	INITIAL OFFER	FINAL SETTLEMENT
4021-305	Coyote Creek Flood Management Measures Project (CCFMMP)	Carrasco	Unknown	Permanent Easement	9/11/2024	25696954	\$6,000	\$6,000

TO: Director Jim Beall**FROM:** Luz E. Penilla**SUBJECT:** Lobbying for Capital Projects – Responding to IBMR No. I-24-0016**DATE:** 10/27/2024

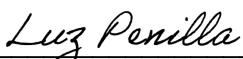
Background: At the August 21, 2024, Board Audit Committee Meeting, staff received a request for information on how Valley Water tracks external parties trying to influence the prioritization and design of capital projects.

Staff Response:

During the development of its Capital Improvement Program (CIP) 5-year plan, Valley Water employs a transparent project prioritization process grounded in our Asset Management Program, aligning with EPA guidelines and our CIP project prioritization funding filters and categories. Attachments 1 and 2 detail the tools and methodologies that Valley Water uses to prioritize projects. This process enables staff to make recommendations and the Board to make decisions on projects based on Board policies driven by objective data and community needs.

In addition, Valley Water's Lobbyist Ordinance (Ordinance No. 10-01, Attachment 3) safeguards against influences from external individuals or entities on Valley Water's decision-making for projects. The ordinance, which was adopted by the Board in June 2010, includes requirements relating to lobbyist registration, reporting of governing lobbyists' activities and communications with Board members, and disclosure by Directors of contact with lobbyists. Pursuant to the ordinance, the Clerk of the Board generates and provides semi-annual reports to the Board regarding lobbyists' activities.

If you have additional questions, please do not hesitate to contact me at (408) 630-2228 or lpnilla@valleywater.org.


Assistant Officer
Office of Integrated Water Management

ATTACHMENTS:

Attachment 1: AM and CIP Prioritization Tools

Attachment 2: CIP 5-Year Plan Development Timeline and CIP Project Delivery Process

Attachment 3: SCVWD Lobbyist Ordinance No. 10-01

BOARD MEMBER REQUEST

IBMR No. I-24-0016

ATTACHMENT 1:

AM and CIP Prioritization Tools

Asset Management Program Tool (Business Risk Exposure (BRE))

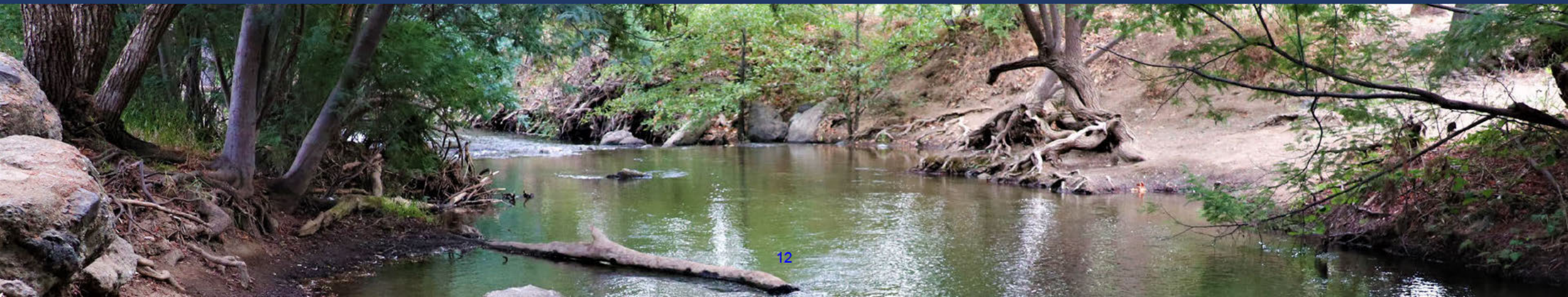
Asset Management Program- Business Risk Exposure (BRE)

Consequence of Failure 0 - 30 <i>(each criteria scored on a 0-to-5 scale)</i>		x	Probability of Failure 1 - 5	=	Business Risk Exposure (BRE) 0 - 150
Social (50% of CoF)	Service Delivery		1 = New or Recently Rehabilitated 2 = Good Condition, Only Minor Defects 3 = Defects Requiring Monitoring, But Fully Functional 4 = Requires Corrective Action, Functionality Threatened 5 = Failed, Unable to Satisfy LOS, Requires Immediate Action		
	Community Impacts				
	Workplace Safety				
Environmental (17% of CoF)	Environmental Impacts				
	Financial Impacts				
Economic (33% of CoF)	Impact to Reputation				

Capital Improvement Program Tool (Funding Filters and Categories)

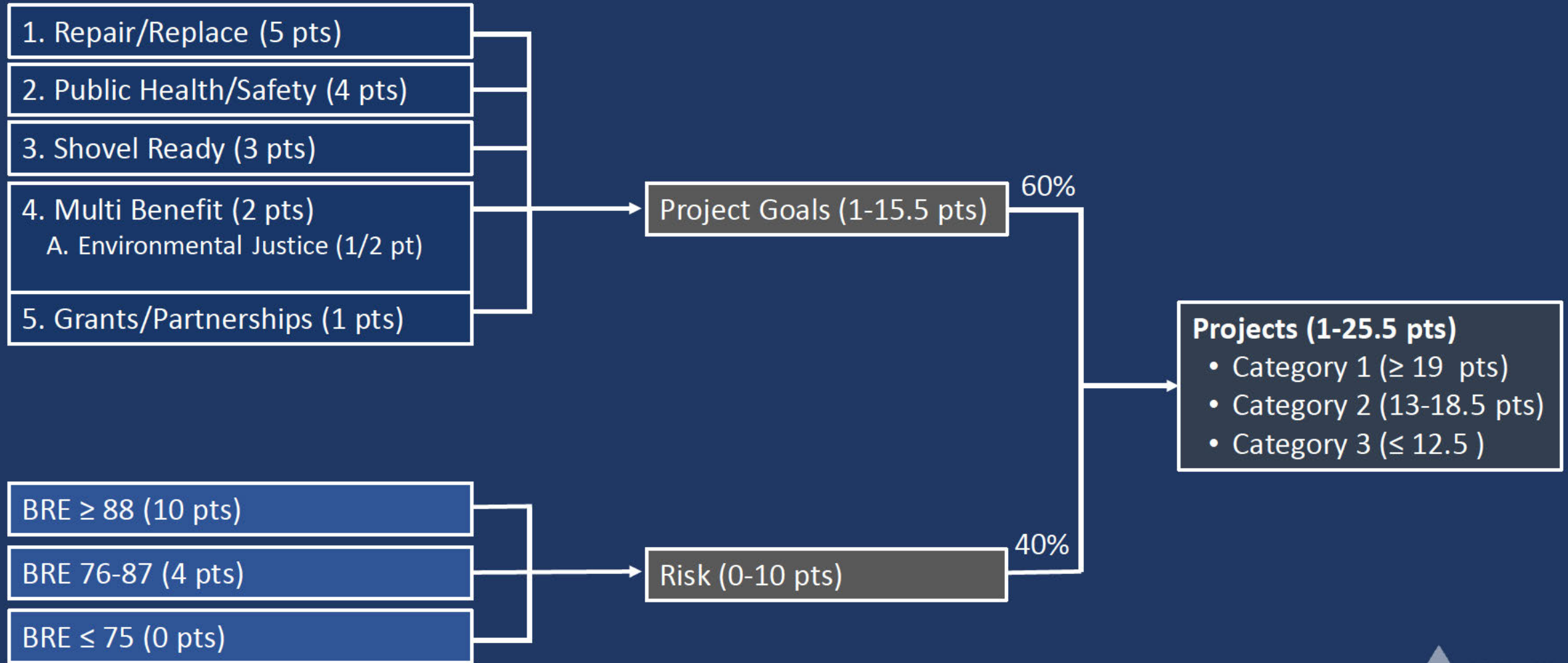
CIP Funding Filters for Prioritization (w/Point Application)

- | | |
|---|-----------------|
| 1. Repair/Replace Existing Infrastructure Projects | 5 points |
| 2. Public Health and Safety Projects | 4 points |
| 3. Shovel Ready (Permits/Land Rights Secured) Projects | 3 points |
| 4. Multi-Benefit Projects | 2 points |
| A. Environmental Justice Benefit Projects | ½ point |
| 5. Partially External-Funded (Grants/Partnerships) Projects | 1 point |



CIP Project Funding Categories

Scoring for Repairing and Replacing Existing Infrastructure



CIP Project Funding Categories

Category 1: ≥ 19 points

1. Repair/replace existing infrastructure
2. Risk of failure score is ≥ 88
3. Required for public health and safety
4. **Projects under construction or mandated (required by law, regulation, federal order, lawsuit, etc...) are automatically included in Category 1.**



CIP Project Funding Categories

Category 2: 13-18.5 points

1. Repair/replace existing infrastructure
2. Risk of failure score is between **76-87**
3. Required for public health and safety.



CIP Project Funding Categories

Category 3: ≤ 12.5 points

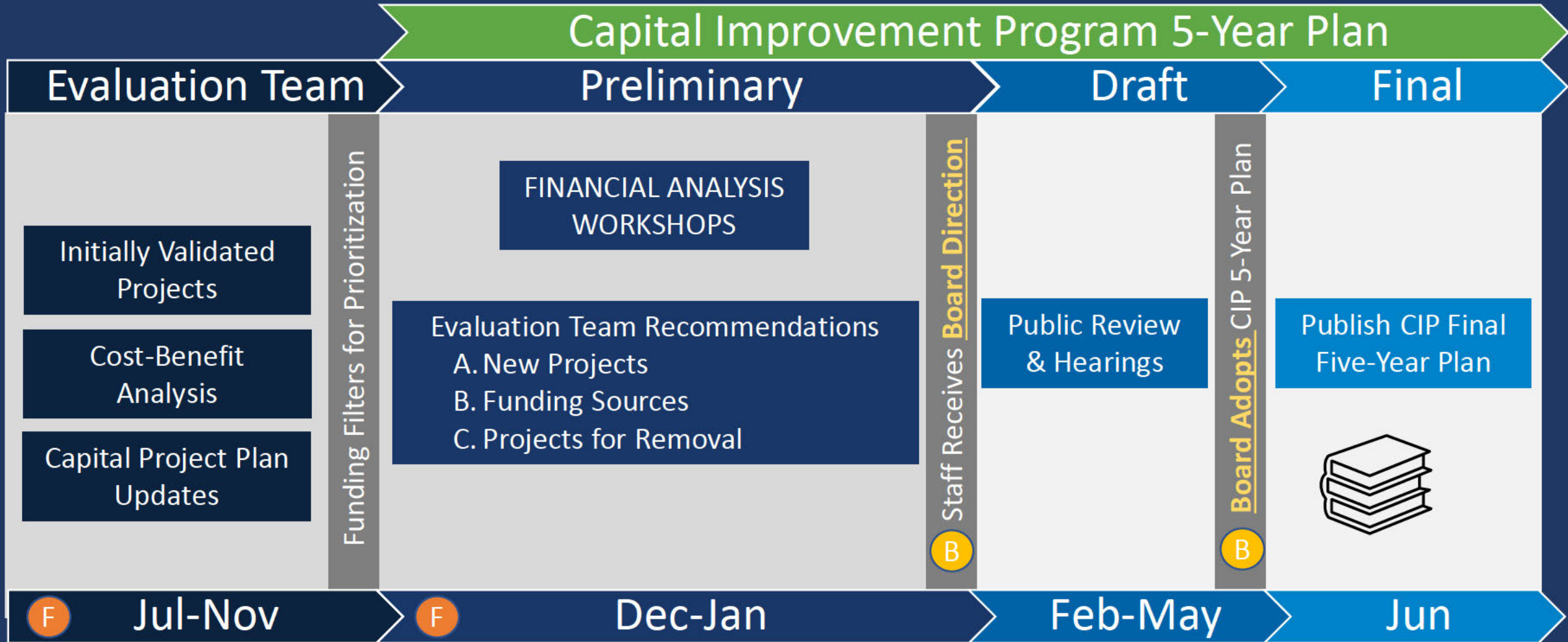
1. Projects with a lower risk of failure, ≤ 75
2. **New infrastructure projects in the Water Supply Master Plan and One Water Plan**
3. **Small capital improvement and placeholder projects.**
 - A. **Placeholder projects meet Valley Water's mission and are anticipated to be needed but may not yet have defined scopes, schedules, or funding sources.**



ATTACHMENT 2:

CIP 5-Year Plan Development Timeline and CIP Project Delivery Process

Annual CIP 5-Year Plan Timeline



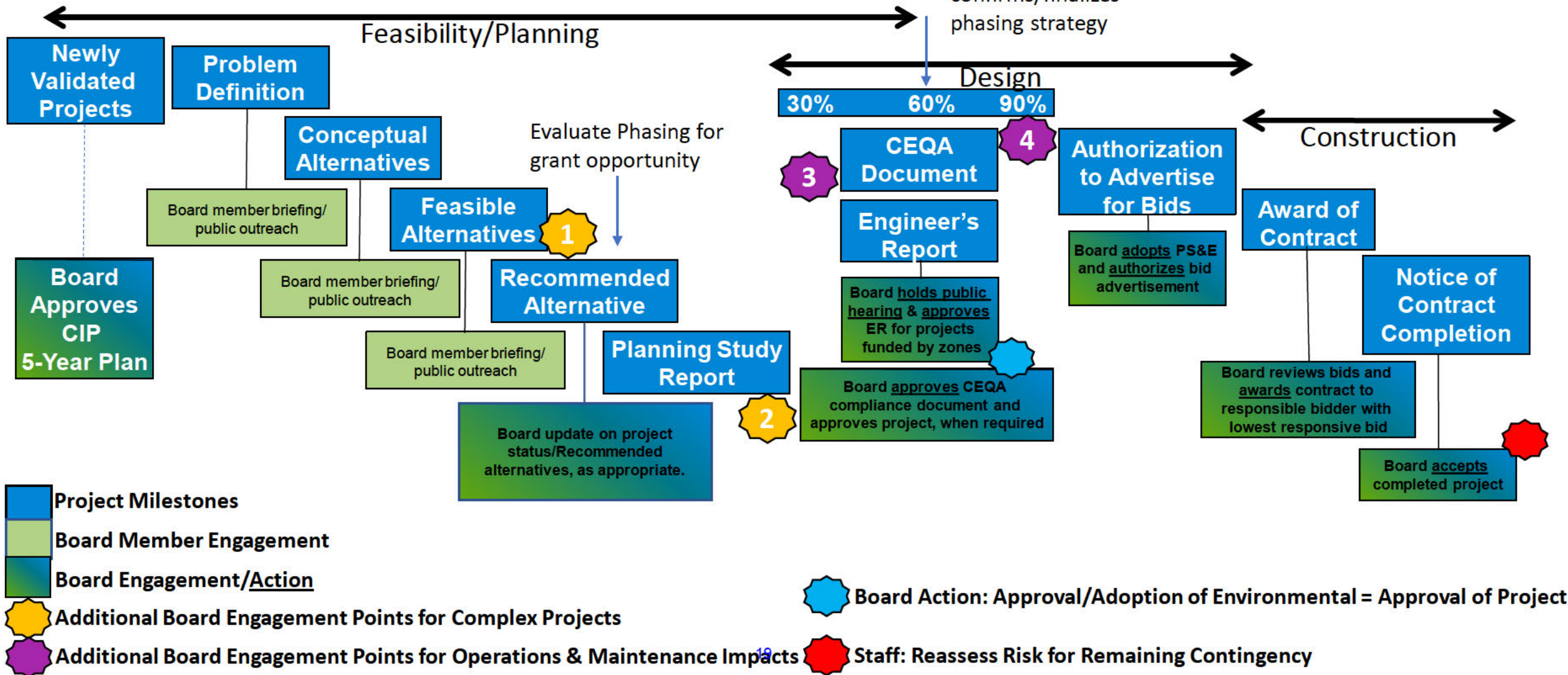
F CIP Committee and/or Board Feedback

B Key Decision Points for Board

CIP Processes Overview

BOARD ACTION & ENGAGEMENT: CAPITAL PROJECT DELIVERY PROCESS*

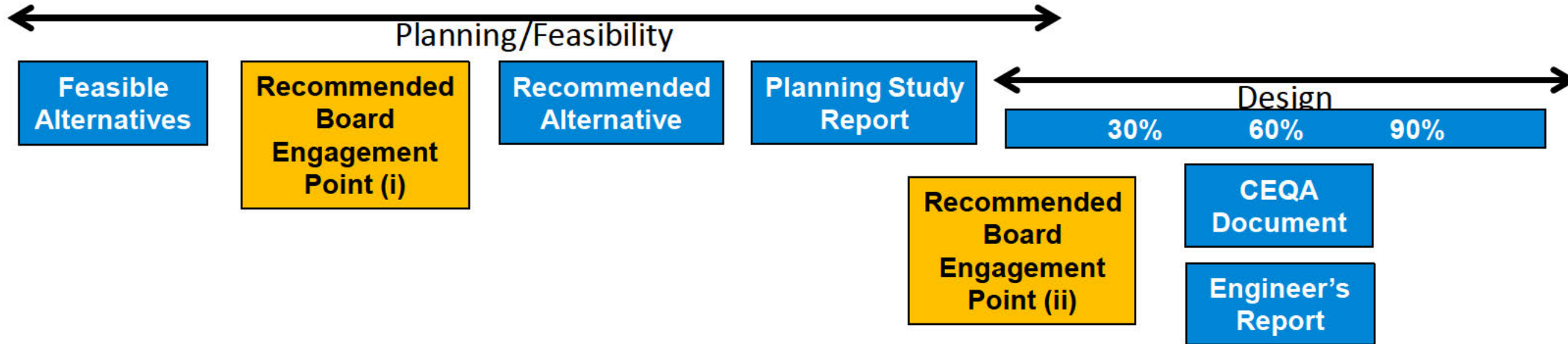
* This is an example of the Project Delivery Process that may be followed and may not apply to all capital projects. Design Consultant confirms/finalizes phasing strategy



Project Delivery Process*

Board Engagement/Actions

Additional Recommended Points for Board Engagement



For capital projects with unusually complex fiscal, jurisdictional, environmental, or community considerations:

- i. During the Planning/Feasibility Phase, after identifying the Feasible Alternatives but before selecting the Recommended Alternative, present the Feasible Alternatives and staff's initially proposed Recommended Alternative to the Capital Improvement Program (CIP) Committee. If recommended by the CIP Committee, present them to the Board for feedback to inform the selection of the Recommended Alternative; and
- ii. For the projects for which the Board provided feedback regarding the Recommended Alternative, should changes to the project occur during the Planning and initial Design Phases that result in a significant deviation from the Recommended Alternative, staff will return to both the CIP Committee and the Board to provide information and receive feedback, as necessary, prior to the public review of the California Environmental Quality Act (CEQA) document.

* For discussion purposes only. This is an example of the Project Delivery Process that may be followed and may not apply to all capital projects.

ATTACHMENT 3:
SCVWD Lobbyist Ordinance No. 10-01

ORDINANCE NO. 10 - 01

**AN ORDINANCE OF THE BOARD OF DIRECTORS
OF THE SANTA CLARA VALLEY WATER DISTRICT
ADOPTING AN ORDINANCE RELATING TO
THE REGISTRATION OF LOBBYISTS, REPORTING REQUIREMENTS
GOVERNING ACTIVITIES OF LOBBYISTS AND COMMUNICATIONS WITH BOARD
MEMBERS AND DISCLOSURE BY DIRECTORS OF
CONTACTS WITH LOBBYISTS**

WHEREAS, the District functions to serve the needs of its constituents; and

WHEREAS, the people of the Santa Clara Valley Water District have a right to know the identity of interests which attempt to influence decisions of the District, as well as the means employed by those interests; and

WHEREAS, all persons engaged in compensated lobbying activities aimed at influencing decisions by the District must, when so engaged be subject to the same regulations, restrictions, and requirements, regardless of their background, training or other professional qualifications or licenses; and

WHEREAS, complete public disclosure of the full range of activities by and financing of lobbyists and those who employ their services is essential to the maintenance of citizen confidence in the integrity of local government; and

WHEREAS, it is in the public interest to ensure that lobbyists do not misrepresent facts, their positions, or attempt to deceive officials through false communications, do not place District officials under personal obligation to themselves or their clients, and do not represent that they can control the actions of District officials.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE SANTA CLARA VALLEY WATER DISTRICT DOES ORDAIN AS FOLLOWS:

SECTION 1. REFERENCES

This Ordinance shall be known and cited as the Lobbyist Ordinance of the Santa Clara Valley Water District.

SECTION 2. PURPOSE AND INTENT OF ORDINANCE

This Ordinance is intended to implement the Board's policy that District processes should be open, and that all persons are entitled to the greatest possible information regarding the affairs of the District and that official acts of those officers and employees who represent them.

Unless a term is specifically defined in this Ordinance or the contrary is stated or clearly appears from the context, the definitions set forth in the Political Reform Act of 1974 as amended from time to time (Government Code Section 81000 et seq.), shall govern the

interpretation of this Ordinance. Any term herein expressed in the plural may also apply to the singular.

This Ordinance is to be interpreted in favor of full disclosure. If there is a conflict of responsibilities under this Ordinance, the conflict will be resolved in favor of applicability of the requirements to disclose.

SECTION 3. DEFINITIONS

For the purposes of this Ordinance:

“Clerk” means The Clerk of the Board of Directors.

“Public official” includes, but is not limited to, any member of the Board of Directors or any of its committees, any District official-elect, any member of a District commission or committee, any District employee who participates in the consideration of any legislative or administrative action other than in a purely clerical, secretarial or ministerial capacity, and any consultant to the District.

“Consultant” means an individual who, pursuant to a contract with the District, participates in any District decision, other than in a purely clerical, secretarial or ministerial capacity.

“Client” means any person who employs, retains or is represented by a lobbyist.

“Compensation” includes, but is not limited to, money, goods, services or anything of value delivered or rendered or promises to perform or provide services, contractual arrangements or awards, but shall not include reimbursement for reasonable travel, meals and lodging expense.

“District decision” means any decision, or any recommendation as to a decision, concerning any matter, whether legislative, administrative, or quasi-judicial, which is pending before, or may be submitted to, the board of directors or any district commission, committee, or officer.

“Influence” or “Influencing” means any direct or indirect communication made by any means for the purpose of promoting, supporting, modifying, opposing, or otherwise affecting the decision making of a Public official or Public official-elect with respect to a District decision, other than a public communication made during or as a formal part of a noticed governmental public meeting.

“Lobbying” means influencing or attempting to influence any District decision.

“Lobbyist” means:

1. “Contract lobbyist”: A person who engages in lobbying on behalf of one or more clients (acting individually or through agents, associates, employees or contractors) and who has received or will become entitled to receive compensation from such client(s) aggregating at least \$1,000 during any consecutive three month period.

2. "Business or organization lobbyist": Any business or organization, whose officers, employees or agents have engaged in or will engage in lobbying on its behalf, in an aggregate amount of at least ten (10) hours within any consecutive three month period, whether or not such officers, employees or agents are specifically compensated to engage in lobbying: or
3. "Expenditure lobbyist": A person who makes payments or incurs expenditures of \$5,000 or more during any consecutive 12 month period to carry out public relations, advertising or similar activities with the intent of soliciting or urging others to communicate with any Public official to influence a District decision. The \$5,000 threshold shall not include: (a) compensation paid to contract lobbyists or employees of a business or organization lobbyist; or (b) dues payments, donations, or other economic consideration paid to an organization, regardless of whether the dues payments, donations or other economic consideration are used in whole or in part for lobbying purpose.
4. "Lobbyist" shall *not* mean:
 - (i) Any public official acting in his/her official capacity or acting within the scope of his or her employment or appointment;
 - (ii) The media, acting in the ordinary course of news gathering or editorial activity. "Media" shall mean newspapers or any other regularly published periodical, radio or television station or network or information published on the Internet, as well as neighborhood newsletters, flyers or gazettes;
 - (iii) Any person whose communications regarding any District decision are limited to appearing or submitting testimony or documents at any public meeting or hearing of the Board of Directors or any of its committees, or any other district commission or committee provided that any person appearing or submitting testimony or public documents at a public meeting who otherwise qualifies as a lobbyist must have first registered in the same manner and to the same extent as required of all other lobbyists pursuant to this Ordinance;
 - (iv) Any person submitting bids or responding to requests for proposals, provided that the communication pertaining to such bid or request for proposal is limited to (A) the submission of the bid or response to a request for proposal; (B) a written or oral response to a request for further information made by the official specifically designated to receive such information; (C) negotiations for the terms of a contract with the District following selection of the person as bidder or contractor and authorization by the District to enter into such contract; (D) a communication pertaining solely to the administration or performance of a contract already existing at the time the communication is made; or (E) a communication pertaining to the bid or request for proposal that, reasonably construed, is not intended to influence any District decision pertaining to the bid or request for proposal;
 - (v) Any person providing oral or written information pursuant to a subpoena or otherwise compelled by law or regulation, or in response to an official request

- provided that the request and response thereto are public records available for public review;
- (vi) Any person who meets with a Public official solely to lodge “whistleblower” complaints relating to improper governmental activity such as gross mismanagement, waste of public funds, abuse of authority, or a substantial and specific danger to public health or safety;
 - (vii) Any person who meets with the District Counsel or the Clerk with respect to the initiation, prosecution, negotiation and/or resolution of any claim or litigation matter;
 - (viii) Members of neighborhood associations which are not incorporated pursuant to the Corporations Code, citizens’ groups and local Chambers of Commerce;
 - (ix) Officers, directors, employees or agents of any tax exempt organization with gross revenue less than \$2 million in any fiscal year, exclusive of grants from and/or contracts for services with governmental entities;
 - (x) Any person whose communications relate to the negotiation, amendment, administration, implementation or interpretation of a collective bargaining agreement or a memorandum of understanding between the District and a recognized employee association;
 - (xi) Any individual who communicates with a Public official on his/her own behalf with respect to a District decision; or
 - (xii) Any person who is a member of the State Bar of California and whose communications regarding any District decision are made in the performance of a service which lawfully can be performed only by an attorney licensed to practice law in the State of California.
 - (xiii) Any person, licensed as an architect by the State of California, and whose communications regarding any District decision is made in the performance of a service which lawfully can be performed only by a licensed architect.

“Person” means any individual, domestic or foreign corporation, for-profit or non-profit entity, firm, association, syndicate, union, joint-stock company, partnership of any kind, limited liability company, common-law trust, society, or any other group of persons acting in concert.

SECTION 4. Lobbyist Registration, Renewal and Termination and Fees

Each lobbyist shall register with the Clerk and shall be deemed active from and after the date of registration until December 31 of the year of registration.

- A. A lobbyist shall renew his/her registration by January 15 of each succeeding year unless such lobbyist has filed with the Clerk a declaration under penalty of perjury terminating his/her status as a lobbyist.
- B. Upon initial registration and yearly upon renewal of registration, lobbyists shall pay a fee in an amount to be recommended by the Clerk and approved by resolution of the Board,

which fee shall not exceed the estimated reasonable cost of the services provided pursuant to this Ordinance. The Clerk may adjust the fee from time to time as necessary to reflect the estimated reasonable costs of the services provided and shall report such adjustments to the Board. Any lobbyist registering for the first time after June 30 of a given year shall pay a registration fee equal to 50% of the normal fee.

- C. No lobbyist may permissibly engage in lobbying unless he/she has first registered or has renewed registration and paid the fee required by this Section.

SECTION 5. DISCLOSURE REQUIREMENTS

A. Initial Disclosures. As part of the initial registration each lobbyist shall file with the Clerk a report under penalty of perjury that discloses the lobbyist's name, business address and telephone and fax numbers, a brief description of the nature of the lobbyist's business and the following additional information.

1. With respect to registrants that are sole proprietorships, partnerships or limited liability companies of fewer than ten persons: The name and address of each person holding an ownership interest in the sole proprietorship, partnership or limited liability company.
2. With respect to registrants that are corporations: The name and business address of the president, secretary, chief financial officer, and agent for service of process, if any, and, with respect to corporations with 35 or fewer shareholders, the name and business address of each shareholder holding at least 5% of the then-outstanding shares.
3. With respect to a contract lobbyist: The name, business address and telephone number of each client which has a decision pending with the District, the nature of each client's business, the District decision(s) the lobbyist seeks to influence on behalf of each such client, and the name of each person employed or retained by the lobbyist to lobby on behalf of each such client.
4. With respect to business or organization lobbyists: The name and business address of each person conducting lobbying activities on behalf of the business or organization lobbyist and the District decision (s) the lobbyist seeks to influence.
5. With respect to expenditure lobbyists: The District decision(s) the lobbyist seeks to influence.
6. The name, address, title and telephone number of the person responsible for preparing the report, together with a representation that the signatory is authorized to make the report.

B. Subsequent Disclosures. Commencing July 1 or January 1 of each year following the time in which the lobbyist has registered, and for each six month period thereafter in which the lobbyist is active, he/she shall file a report with the Clerk providing or updating the information required to be disclosed in the report included with the initial registration. The semi-annual report shall be filed not later than fifteen (15) days after the beginning of each semi-annual period and shall be filed whether or not the lobbyist has engaged in lobbying

activities during the period that is the subject of the report. In the event that the lobbyist has terminated or is terminating all activities as a lobbyist, he/she may submit the declaration of termination under penalty of perjury required by Section 7 with a final semi-annual report.

- C. Records Retention. The lobbyist shall retain copies of any records pertaining to each of the reports required to be filed pursuant to this Section for a period of four years from the date of each filing.

SECTION 6. LOBBYIST IDENTIFICATION AT HEARINGS

When appearing to speak in a lobbying capacity at a public meeting or hearing of the Board of Directors or any of its commissions or committees, a lobbyist shall identify himself/herself and the client(s) or business or organization on whose behalf he/she is appearing.

SECTION 7. REPORTS BY LOBBYISTS

- A. All lobbyists must file a semi-annual report for every six month period during which they retain that status with the Clerk not later than fifteen (15) calendar days after the end of the six month period, whether or not any lobbying activities have occurred during such period. Electronic reporting may also be permitted by the board Clerk.
- B. Each semi-annual report must contain the same information as required to be disclosed in the registration report, for those activities occurring in that six month period. If a lobbyist has terminated all lobbying activities during such period, the lobbyist may file a declaration of termination with the semi-annual report. The final semi-annual report must include disclosure of any lobbying activities during the period of termination.
- C. Each semi-annual report for Contract Lobbyist must indicate the total compensation promised or received from each client listed during the reporting period for lobbying activity within the following ranges: (\$0-\$500), (\$501-\$1,000), (\$1,001-\$10,000), (\$10,001-\$100,000), and (over \$100,000).
- D. Semi-annual reports must be filed by July 15 and January 15 for the prior calendar year and are delinquent thereafter.
- E. Records pertaining to the registration and semi-annual reports must be preserved by the lobbyist for inspection and audit by the District for a period of five (5) years from the date of production.

SECTION 8. DISCLOSURE OF COMMUNICATIONS WITH LOBBYISTS

Before taking any legislative or administrative action, the Chair and each member of the Board must disclose all scheduled meetings and any oral or electronic communications with a registered lobbyist about the action. The disclosure may be made orally at the meeting before discussion of the action on the meeting agenda. The oral disclosure must identify the registered lobbyists, the date(s) of the scheduled meetings, any electronic and/or telephone conversations, and the substance of the communication. This section does not limit any disclosure obligations that maybe required by this Ordinance or District policy.

SECTION 9. RESPONSIBILITIES OF THE CLERK

The Clerk shall:

- A. Create such forms and explanatory materials as are reasonably necessary to effectuate the purposes of this Ordinance.
- B. Determine and collect fees for lobbyist registration and renewal of registration.
- C. Establish a website to permit the electronic filing by lobbyists of, and electronic access by the public to, registration statements and reports filed pursuant to this Ordinance and establish protocols for the creation, maintenance, updating and use of and access to such website.
- D. Accept and maintain all filings required by, and otherwise oversee compliance with the requirements of this Ordinance.
- E. Provide semi-annual reports to the Board of Directors in public session regarding lobbyists' activities.
- F. Notify the Office of the District Counsel of any complaints and/or allegations made that a violation of this Ordinance has occurred.

SECTION 10. PROHIBITIONS

It shall be a violation of this Ordinance for any lobbyist to commit any one of the following acts:

- A. Failing or refusing to comply with the provisions of this Ordinance, including, but not limited to:
 - 1. Engaging in lobbying activities without first registering or renewing registration as a lobbyist pursuant to this Ordinance.
 - 2. Failing to pay any required fee when due.
 - 3. Failing to file or make any report when due and required or to provide information required by any such report.
- B. Making any misrepresentation of material fact with the specific intent to deceive any District official pertaining to any pending or proposed District decision.
- C. Attempting to evade the requirements of this Ordinance through any means.

SECTION 11. PENALTIES

- A. Any lobbyist who violates any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not to exceed \$500 per violation.

B. In any judicial proceeding to enforce the provisions of this Ordinance, if a court determines that a violation was intentional, the court may order that the defendant be prohibited from acting as a lobbyist or otherwise attempting to influence District decisions for one year.

C. If two or more persons are responsible for any violation, they shall be jointly and severally liable.

SECTION 12. The provisions of this ordinance are severable. If any provision of this ordinance or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

INTRODUCED by the Board of Directors of the Santa Clara Valley Water District, on 6/15/10 by the following vote:

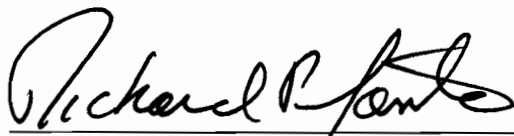
AYES: Directors L. Wilson, T. Estremera, J. Judge, R. Kamei, P. Kwok, S. Mann,
R. Santos

NOES: Directors None

ABSENT: Directors None

ABSTAIN: Directors None

SANTA CLARA VALLEY WATER DISTRICT

By: 

RICHARD P. SANTOS
Chair/Board of Directors

INCOMING BOARD CORRESPONDENCE

Board Correspondence (open)

Correspond No	Rec'd By District	Rec'd By COB	Letter To	Letter From	Description	Disposition	BAO/ Chief	Staff	Draft Response Due Date	Draft Response Submitted	Writer Ack. Sent	Final Response Due Date
C-24-0254	10/18/24	10/22/24	All	MELISSA MALLORY	Email from Melissa Mallory to the board dated 10/18/24, seeking solutions for a homeless camp on San Jose's Los Gatos Creek Trail (LGCT), close to Leigh and Meridian Avenue.	Refer to Staff	Hakes	Bilski Codianne	10/30/24	10/28/24	n/a	11/05/24
C-24-0256	10/29/24	10/29/24	Varela	LESLIE MILES	Email from Leslie Miles to Director Varela, dated 10/29/24, regarding possible removal of historical eucalyptus tree along Morgan Hill canal.	Refer to Staff	Hakes	Codianne	11/06/24	-	n/a	11/12/24
C-24-0257	10/29/24	10/29/24	Keegan	SALI SCHILLE	Email from Sali Schille to Director Keegan, dated 10/28/24 and Director Keegan's response, requesting a copy of the executed	Refer to Staff	Yoke	Lawson Spin	11/06/24	-	n/a	11/12/24

Correspond No	Rec'd By District	Rec'd By COB	Letter To	Letter From	Description	Disposition	BAO/ Chief	Staff	Draft Response Due Date	Draft Response Submitted	Writer Ack. Sent	Final Response Due Date
					agreement between Valley Water and the City of San Jose for the use of the Lelong/Willow site as a safe sleeping location.							

Board of Directors

From: Michele King
Sent: Tuesday, October 29, 2024 9:14 AM
To: Board of Directors
Subject: FW: Very old eucalyptus scheduled to be cut down

From: Lesley Miles <lesley@wmarchitects.com>
Sent: Tuesday, October 29, 2024 6:34:55 AM
To: John Varela <jvarela@valleywater.org>
Subject: Very old eucalyptus scheduled to be cut down

***** This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. *****

Hi John, I'm sure you're familiar with all of the coastline Oaks that have been cut down in the process of what the valley water district is apparently doing to work on the channel. There is a huge eucalyptus that is right next to the new voices school, but it is easily 100+ years old and is Healthy it is an interesting part of our historic pass, and it is being scheduled to be cut down.

It is an opportunity to talk about and to save a tree that is about our history as an agricultural community since Leonard Coates, who lived and worked on the property where Charles and I currently live was one of the people that brought eucalyptus from Australia to test out here in California. In some ways, things didn't work out for eucalyptus, but it worked well for many years as wind breaks in the valley And here And Morgan Hill this tree is an opportunity to really talk about our history and I don't see any purpose in cutting down the tree.

Can you help me understand What is going on so many trees have been removed and if this tree is within that sphere of work?

Thank you so much and hope you and your family are all doing well,

Lesley

Lesley Miles AIA, LEED AP

Principal

P: [\(408\) 779-6686](tel:(408)779-6686) **M:** [\(408\) 515-9469](tel:(408)515-9469)

[17500 Depot Street, Suite #200](#)

[Morgan Hill, CA 95037](#)

WESTON MILES
ARCHITECTS **39**
YEARS

Visit us at: www.wmarchitects.com

Board of Directors

From: Michele King
Sent: Tuesday, October 29, 2024 9:16 AM
To: Board of Directors
Subject: FW: Request for Agreement Document - Lelong/Willow Safe Sleeping Site

From: Barbara Keegan <BKeegan@valleywater.org>
Sent: Monday, October 28, 2024 9:43 PM
To: Sali Schille [REDACTED] >
Cc: Board Correspondence <boardcorrespondence@valleywater.org>
Subject: Re: Request for Agreement Document - Lelong/Willow Safe Sleeping Site

Dear Ms. Schille,

Thank you for contacting me with your questions about documents relating to Valley Water and the City of San Jose, and any potential use of the Lelong/Willow property.

I did take a look at the information I have available. At sometime in the past the Valley Water Board developed policy E-6 Encampments of unsheltered people. This policy allows the use of Valley Water property to shelter the unhoused. Our Chief Executive Officer has made a determination that this policy applies to the Lelong/Willow property and an administrative decision was made to make it available to the city of San Jose. Since this action did not come to the Board I don't have the information on the conditions of use.

I am copying Board Correspondence staff on my reply so that they can check to see what information is available as to any agreement between Valley Water and the city of San Jose. Thank you again for contacting me and I appreciate your kind words.

Best regards,
Barbara Keegan

Sent from my iPad

On Oct 23, 2024, at 7:59 PM, Sali Schille [REDACTED] wrote:

***** This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. *****

Dear Director Keegan,

I hope this message finds you well. We will certainly miss your leadership as our district representative next year upon your retirement.

I'm reaching out to inquire if you or someone on your team could help us obtain a copy of the executed agreement between Valley Water and the City of San Jose for the use of the Lelong/Willow site as a safe

sleeping location. Specifically, we're looking for a document outlining the conditions of San Jose's use of the site.

Your assistance would be greatly appreciated.

Sincerely,

Sali Schille

From: [Dorothy Dora](#)
To: [Board of Directors](#)
Subject: Fwd: FW: I will take the job... Supervisor of assurance of clean-up?
Date: Thursday, October 24, 2024 7:08:45 PM

***** This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. *****

Lillian from valley water is a person who I have been speaking with this is Connie De La Cruz hopefully one of the board members recognize my name from my persistence concerning the cleaning of the creeks the water the homeless people they're living there in that area but first and foremost they legal entry of my tent and the failure from valley water to do their job after receiving monies again and again with brand new shiny trucks and doing nothing but a s***** job. I try to reach out to valley water board of directors and I have every single document I've tried to help with this I tried so hard but there's no acknowledgment. Just two weeks ago I advised Lillian to advise the board or the committee concerning this matter I went back out there and sure enough had to take footage had to take pictures and audio video everything and it's ridiculous I do not understand why you're not understanding if I do not get a reply within a week I am go to the media with this the news right there in San Jose California Milpitas everywhere okay San Francisco I mean I know Governor Gavin it's not going to be crazy to hear about this basically to see the footage why can't you just do take care of what you're supposed to and I had a suggestion I will charge you too much but trust me I'm not seeking a job from this but somebody's need to do something. Also how easily it was for the boat to dismiss me and the claim which I am in charge of for Ricardo Nala wagon it's just silly that's so be it so one week thank you Connie Dela Cruz my email address is Dorothy Dora

now I do have another thing to say which is I don't just stick to that part of the cream I have video audio a further up and down the creek and it runs long it is not being properly cleaned by valley water employees. I have all of the texts and emails sent to me from three people that work for valley water which even sent me a map of where the water divides around the creek which part is not their responsibility and they're not supposed to enter blah blah blah

Without due respect board, it's a joke.I'll tell you why because the very map that valley sent to me completely contradicts.

It makes valley water look incompetent and not being able to train their employees whether their managers head of the insurance company which I have dealt with I'd like you to understand this. I believe that they're not doing their research before they send something to me because I do my background I do the research and I cross check everything it's almost funny but not really because I do care about the water okay so somebody please give me a call that we'll talk

----- Forwarded message -----

From: Lilian Dennis <ldennis@valleywater.org>
Date: Thu, Oct 24, 2024, 1:10 PM
Subject: FW: I will take the job... Supervisor of assurance of clean-up?
To: Dorothy Dora

Connie,

When we spoke earlier in the week, I stated that you needed to send your correspondence directly to the board, not to me. Please send your email to: board@valleywater.org and you will receive an acknowledgment.

Thank you.

Lilian

From: Dorothy Dora [REDACTED]
Sent: Thursday, October 24, 2024 12:01 PM
To: Lilian Dennis <ldennis@valleywater.org>
Subject: I will take the job... Supervisor of assurance of clean-up?

***** This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. *****

I really don't know what you guys want to call it but basically it would take someone to go out and make sure that the cleanup was done not too many people are going to take a job that they need insurance there's that for one case I just want to just make sure it is clean so I would go out to sure make me enough for I can't refuse it wouldn't tell just some hours or we can just go with whatever you know what I'm talking to say all right. WAIT TILL YOU SEE THE OTHER FOOTAGE THAT I HAVE SO LET'S WORK TOGETHER OR FORGET ABOUT IT AND I JUST WILL DO WHAT I HAVE TO DO PLEASE SEND THIS ON TO THE BOARD MEMBERS IF YOU SAID IT'S BETTER OKAY AND BESIDES YOU'RE THE ONE SUPPOSED TO TAKE CARE OF THIS WITH ME WITH INSURANCE I'M SENDING YOU THOSE PAPERS I WAS ABLE TO GET IT SOMEONE TO ASSIST ME BECAUSE I CAN'T STAND THIS PDFSDAG AND WHATEVER THE HELL YOU GUYS CALLED ON CELL PHONES OR ON THE COMPUTER THANK YOU CONNIE DELA PLEASE LET ME KNOW YOU GOT THIS PLEASE